

REMARKS

Claims 1-11 have been previously canceled, claims 12, 21, 25 and 27 are currently amended and no new claims have been added. Thus, claims 12-28 are currently pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Objections:

Applicant has amended claim 21 to correct the misspelling of the word “groove” and respectfully requests the Examiner to withdraw the objection.

Response to Rejections Under Section 112:

The Examiner has rejected claims 12-28 under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter that Applicant regards as his claim. Applicant has amended claims 12, 21 and 25 to clarify the claimed limitations. Applicant respectfully request the Examiner withdraw the 35 U.S.C. § 112, second paragraph rejections.

Response to Rejections Under Section 102:

Morgan et al.:

Claims 12-15 and 18-28 stand rejected under 35 U.S.C § 102(e), the Examiner contending that these claims are anticipated by Morgan et al (USPN 6,464,457).

Applicant's claim 12 recites in part:

a **single element spring** arranged ...having a first end, a **radially free second end** and ...wherein a width of the circumferential groove is smaller than a width of the spring element first end **to provide a secure and sole retention** of the spring element in the circumferential groove due to **an interference** between the spring element first end and the circumferential groove.

Applicant submits that Morgan et al. teaches a seal assembly 33 comprised of a leaf seal 52 and a leaf spring 56 that must be radially restrained by a mounting pin 78 in order for the leaf seal assembly to function. (Morgan et al. fig. 3-5, col 6 lines 64-65)

In contrast, claim 12 recites a single element spring seal secured in a circumferential groove solely by interference and not a seal assembly formed of separate spring and seal elements radially restrained by a pin as in Morgan et al.

Moreover, the Examiner concedes that Morgan et al. lacks the claimed element of "... an interference-fit or press-fit engagement between the seal first end and a circumferential groove such that the width of the circumferential groove is less than the width of the seal first end" on page 8 of the instant Office Action.

MPEP § 2131 requires, "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM." As discussed above, claim 12 does not teach a spring element secured in a circumferential groove via interference. Claims 21 and 25 recite virtually identical patentable limitations as discussed regarding claim 12.

In view of the above, claims 12, 21 and 25 are not anticipated by Morgan et al. Furthermore, Claims 13-15, 18-20 and 22-28 which depend on claims 12, 21 or 25 are also patentable at least based on their dependence from claims 12, 21 or 25 as well as based on their own merits. Therefore, Applicant respectfully requests that the Examiner withdraw the Section 102(e) rejections.

McLean:

Claims 21, 22 and 24 stand rejected under 35 U.S.C § 102(b), the Examiner contending that these claims are anticipated by McLean (USPN 6,431,825).

Applicant's claim 21 recites in part:

... an annular **single element spring seal** ...having a first end, a radially free second end and a **spring region arranged between the first and second ends** ...

Applicant submits that McLean teaches a "dog bone" type multi-component seal having two resilient ends and a center carrier section, and not "...a single element spring seal ...having a first end, a radially free second end and a spring region arranged between the first and second ends ..." as required by Applicants claim 21.

MPEP § 2131 requires, "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM." As discussed above, McLean does not teach a spring element having a spring region arranged between the first and second ends as required by claim 21.

In view of the above, claim 21 is not anticipated by McLean. Furthermore, Claims 22 and 24 which depend on claim 21 are also patentable at least based on their dependence from claim 21 as well as based on their own merits. Therefore, Applicant respectfully requests that the Examiner withdraw the Section 102(b) rejections.

Response to Rejections Under Section 103:

Claims 12-28 stand rejected under 35 U.S.C § 103(a) as being obvious over Morgan et al in view of McLean.

Applicant's claim 12 recites in part:

...a single element spring ... having a first end, a **radially free second end** and a spring region arranged between the first and second ends ... **the second end accommodates both radial and axial relative motions between the front and rear rings...**

McLean et al. teaches the use of a required mounting pin 78 "...such that the leaf seal 52 and the leaf spring 56 are radially restrained by the mounting pin." (col. 6, lines 64-65).

Applicant respectfully submits that the combination of Morgan et al in view of McLean would result in a radially restrained seal unable to accommodate radial relative motions between sealing parts, and not Applicant's invention as defined by independent claims 12, 21 and 25.

MPEP 2143 requires that "the prior art included each element claimed." In view of the above, Applicant respectfully submits that claims 12, 21 and 25 are patentable. Furthermore, Claims 13-15, 18-20 and 22-28 which depend on claims 12, 21 or 25 are also patentable at least based on their dependence from claims 12, 21 or 25 as well as based on their own merits. Therefore, Applicant respectfully requests that the Examiner withdraw the Section 103 rejections.

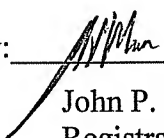
Serial No. 10/571,500
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Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the objections and rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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